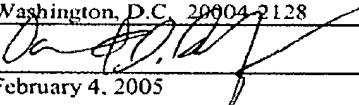


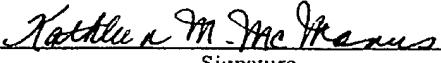
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/658,746
		Filing Date	09-10-2003
		First Named Inventor	Oliver HORN et al.
		Group Art Unit	3753
		Examiner Name	John K. Ford
Total Number of Pages in This Submission	6	Attorney Docket Number	033171-30

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Alter Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
	Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	February 4, 2005

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February 4, 2005	
Date	Signature Kathleen M. McManus Typed or printed name

W634448.1

FEE TRANSMITTAL FOR FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(S)120.00**

<i>Complete if Known</i>	
Application Number	10/658,746
Filing Date	09-10-2003
First Named Inventor	Oliver HORN et al.
Examiner Name	John K. Ford
Art Unit	3753
Attorney Docket No.	033171-30

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

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Deposit Account Number

19-2380(033171-30)

Deposit Account Name

Nixon Peabody LLP

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 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1001	300	2001 150 Utility filing fee	
1002	200	2002 100 Design filing fee	
1003	200	2003 100 Plant filing fee	
1004	300	2004 150 Reissue filing fee	
1005	200	2005 100 Provisional filing fee	
SUBTOTAL (1)		(S) 0	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20**	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3**			
Multiple Dependent		X		

Claims in excess of 20			
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	50	2202 25	Claims in excess of 20
1201	200	2201 100	Independent claims in excess of 3
1203	360	2203 180	Multiple dependent claim, if not paid
1204	200	2204 100	** Reissue independent claims over original patent
1205	50	2205 25	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(S) 0	

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1912 2,520 For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	120	2251 60 Extension for reply within first month	120.00
1252	450	2252 225 Extension for reply within second month	
1253	1,070	2253 510 Extension for reply within third month	
1254	1,590	2254 795 Extension for reply within fourth month	
1255	2,160	2255 1,080 Extension for reply within fifth month	
1401	500	2401 250 Notice of Appeal	
1402	500	2402 250 Filing a brief in support of an appeal	
1403	1,000	2403 500 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	500	2452 250 Petition to revive -- unavoidable	
1453	1,500	2453 750 Petition to revive -- unintentional	
1501	1,400	2501 700 Utility issue fee (or reissue)	
1502	800	2502 400 Design issue fee	
1503	1,100	2503 550 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2509 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(S)120.00**

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February 4, 2005

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Kathleen M. McManus

Signature

Kathleen M. McManus

Typed or printed name

SUBMITTED BY

Complete if applicable

Name (Print/Type)	David S. Safran	Registration No. (Attorney/Agent)	27,997	Telephone	(703) 827-8094
Signature	<i>David S. Safran</i>			Date	February 4, 2005

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W614456 1

2005/02/04
KATHLEEN M. McMANUS
3753-A

Attorney Docket No. 033171-30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Oliver HORN et al.) Art Unit 3753
Serial No. 10/658,746) Examiner: John K. Ford
Filed: September 10, 2003) Confirmation No. 3402
For: DEVICE FOR CLIMATE CONTROL)
OF A DRIVER'S BED)

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Kathleen M. McManus
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ELECTION

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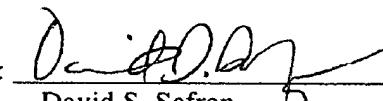
Sir:

In response to the election of species requirement made in the Office Action mailed December 17, 2004, Applicants hereby elect the first specie of Figure 1 for examination in the event that no generic claim is found to be allowable. In this connection, it is noted that Applicants disagree with the Examiner's assessment that none of the present claims are generic to all embodiments.

That is, the stated basis for the Examiner's conclusion that no claim is generic is that no engine coolant connections are shown or disclosed in reference to the species of Figures 2, 5, & 6. However, since the engine coolant connections, e.g., 50, 82 of Figure 1, are not claimed, no relevance can be attributed to this distinction between certain embodiments. Thus, it is submitted that at least claim 1 is generic to and fully encompasses all of the disclosed embodiments. In addition to generic claim 1, claims 2, 3, and 10-12 are readable on at least the elected specie of Figure 1.

On the basis of the foregoing, a prompt action on claims 1-3 and 10-12 is requested. Furthermore, should claim 1 be found to be allowable, rejoinder of the remaining claims to the nonelected species is requested.

Respectfully submitted,

By: 

David S. Safran
Registration No. 27,997

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Washington, D.C. 20004-2128

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